

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: A8427

Mary G. Hoffee et al.

Confirmation No.: Unassigned

Appln. No.: Unassigned  
(Benefit of 60/424,332)

Group Art Unit: Unassigned

Filed: November 5, 2003

Examiner: Unassigned

For: ANTI-CD33 ANTIBODIES AND METHODS FOR TREATMENT OF ACUTE  
MYELOID LEUKEMIA USING THE SAME

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents, other than any U.S. patents and patent publications, is submitted herewith.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise

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remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



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WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: November 5, 2003

Substitute for Form 1449 A & B/PTO				<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	Unassigned
				Confirmation Number	Unassigned
				Filing Date	November 5, 2003
				First Named Inventor	Mary G. Hoffee et al.
				Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	1	of	1	Attorney Docket Number	A8427

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.				Translation <sup>6</sup>
		Roy et al., 1991, Anti-MY9-Blocked-Ricin: An Immunotoxin for Selective Targeting of Acute Myeloid Leukemia Cells, <i>Blood</i> 77(11):2404-2412				
		Sabbath et al., 1985, Heterogeneity of Clonogenic Cells in Acute Myeloblastic Leukemia, <i>J. Clin. Invest.</i> 75:746-753				
		LaRussa et al., 1992, Effects of Anti-CD33 Blocked Ricin Immunotoxin on the Capacity of CD34 <sup>+</sup> Human Marrow Cells to Establish in vitro Hematopoiesis in Long-term Marrow Cultures, <i>Exp. Hematol.</i> 20:442-448.				
		Griffin et al., 1984, A Monoclonal Antibody Reactive with Normal and Leukemic Human Myeloid Progenitor Cells, <i>Leukemia Res.</i> 8:521-534.				
		Mason et al. eds., Leucocyte Typing VII White Cell Differentiation Antigens, pages 777-778, Oxford University Press, 2002.				

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or in the comment box of this document. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.